

## REMARKS

Claims 1-12 and 43-49 remain pending in the instant application. All claims presently stand rejected. Claims 1, 43, 44, and 46-48 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1-12 and 43-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis et al. (US 6,898,762) and application no. 09/332,244 incorporated by reference.

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1 now recites, in pertinent part,

broadcasting content descriptors, which describe available content being considered for potential inclusion in a future broadcast schedule, to a plurality of clients;

**receiving feedback from at least one of the plurality of clients regarding the content descriptors**, the feedback being an indication from the at least one of the plurality of clients of the relative desirability of the available content described by the content descriptors;

**refining a list of available content in response to the feedback** to create the future broadcast schedule, wherein refining the list of available content prioritizes an order in which at least a portion of the available content described by the content descriptors will be broadcast; and

**broadcasting the available content listed in the refined list of available content**, according to the future broadcast schedule as prioritized by the refining, **to the plurality of clients**.

Applicants respectfully submit that Ellis and the ‘224 application fail to disclose refining a list of available content based on feedback from at least one client and then broadcasting the available content as prioritized by the refining to a plurality of clients.

Claim 1 recites, broadcasting content descriptors to a plurality of clients, then receiving feedback from at least one of the clients, then refining a list of available content based on the feedback, then broadcasting available content listed in the refined

list to a plurality of clients. In other words, feedback from one client affects the content broadcast to other clients.

In contrast, Ellis discloses an interactive television program guide that provides a user with an opportunity to view television program listings (*Ellis*, col. 10, lines 40-41); collects user preference profiles at a server and uses the profiles to filter program guide data so that only program guide data that is of interest to the user is displayed in the client user guide (*Ellis*, col. 2, lines 23-29). Ellis even discloses that the interactive program guide enables a user to define Boolean or natural language expressions for searching and sorting program guide data and automatically recording programs (*Ellis*, col. 2, lines 36-41; col. 12, lines 32-50).

However, Ellis does not disclose (1) refining a list of available content in a manner that “prioritizes an order in which ... the available content ... will be broadcast” nor does Ellis disclose (2) “broadcasting the available content ... as prioritized by the refining...” Rather, Ellis simply discloses that the program guide data (i.e., the content descriptors) is filtered based on user preference profiles collected from clients. Filtering what is displayed in a user guide fails to disclose prioritizing the order in which the available programs described by the program guide are broadcast to the client.

Accordingly, the Examiner cites the ‘244 application incorporated by reference into Ellis as disclosing these missing elements. The Examiner references FIG. 18f and cites the functionality of the program guide which enables a user to select, record, and playback programs as disclosing the above mentioned missing elements. However, the ‘244 application states,

The program guide may provide **the user** with the opportunity to access a directory or other such list of programs that have been **recorded for the user** on remote media server 24 or local media server 29. (the ‘244 application , page 52, lines 12-15)

FIGS. 18a and 18b show illustrative overlays 320 that may be displayed by the program guide when the user indicates a desire to view a directory of the programs that **the user has recorded** on remote media server 24 or local media server 29. (the ‘244 application , page 52, lines 19-24)

Therefore, the ‘244 application discloses a program guide that enables a user to select programs for recording and then subsequently watch these programs. The ‘244

application discloses that these programs are “recorded for the user” and are accessible to “the user”. The ‘244 application discloses a remote media server 24 which enables feedback from a user to dictate what programs are recorded and allows the user to dictate the order in which the user subsequently watches these programs. However, Ellis and the ‘244 application both fail to disclose receiving feedback from one or more clients based on content descriptors sent to the clients, refining a list of available content based on the feedback, and then broadcasting the available content as prioritized by the refining to **a plurality of clients**. Claim 1 recites that the feedback from one or more of the clients is used to refine a list of available content which affects the future broadcast schedule to a plurality of clients. **The ‘244 application fails to disclose feedback from one client affecting the content broadcast to other clients.**

Consequently, the combination of Ellis and the ‘244 application fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 4, 43, and 47 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 4, 43, and 47 be withdrawn.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections of the dependent claims be withdrawn.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

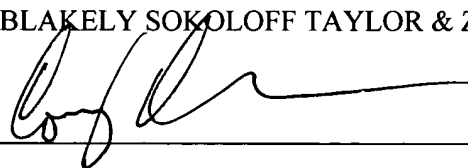
### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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